

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

IN THE ELKHART CIRCUIT COURT

CAUSE NO. 20C01 0102 CP 059

STATE OF INDIANA,)

Plaintiff,)

v.)

MICHAEL GEORGE HORNE,)

Defendant.)

FILED

FEB 12 2001

CLERK ELKHART CIRCUIT COURT

COMPLAINT ON FOREIGN JUDGMENT

Plaintiff, by counsel, Justin G. Hazlett, Deputy Attorney General, for its cause of action against the defendant, states:

1. Defendant resides at 1920 W. Indiana Avenue, Elkhart, Indiana.
2. On November 8, 1995, Plaintiff recovered a judgment against Defendant for \$21,358.00 in the United States Bankruptcy Court, Northern District of Indiana, South Bend Division, Indiana, in an action entitled: In the Matter of State of Indiana, Plaintiff v. Michael George Horne, Defendant, Case No. 94-32664-RKR (Chapter 7) and Adversary Proceeding Cause No. 95-3005. A copy of the judgment, which has been certified and sealed by the clerk of the United States Bankruptcy Court, Northern District of Indiana, South Bend Division, Indiana, is attached hereto as Exhibit A.
3. Plaintiff is the owner and holder of the judgment, which remains unpaid and in full force and effect, and said judgment is entitled to full faith and credit in the state of Indiana.


4. On or about October 26, 1998 Defendant ceased making weekly payments to Plaintiff, in violation of the terms of the judgment.

5. On December 3, 1999, pursuant to the terms of the judgment, Plaintiff mailed to Defendant's last known address, via regular and certified mail, a notice demanding that Defendant cure the deficiency. A copy of this notice is attached hereto as Exhibit B. Despite the State's demand, Defendant has not cured the deficient amount, and has in fact failed to make any payment upon the judgment since October 26, 1998.

6. Defendant has defaulted on the judgment and should, per its terms, be found liable to Plaintiff in the amount of \$51,932.54, plus interest from November 8, 1995, plus \$2,375 as costs of the investigation and prosecution of this matter, less \$14,700 for weekly payments made through October 26, 1998.

WHEREFORE, Plaintiff requests that the Court adopt the foreign judgment as its own, and order Defendant to pay Plaintiff a sum to be determined by the Court, together with costs, interest, and all other appropriate relief.

Respectfully submitted,
STEVE CARTER
Attorney General of Indiana
Atty. No. 4150-64

By: 
Justin G. Hazlett
Deputy Attorney General
Atty. No. 22046-49

Office of the Attorney General
Indiana Government Center South
402 West Washington Street, Fifth Floor
Indianapolis, Indiana 46204
(317) 232-0167

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

FILED

95 NOV -6 PM 3:53

SHARON A. JAMES, CLERK
U.S. BANKRUPTCY COURT
NO. DISTRICT OF IN

IN THE MATTER OF

MICHAEL GEORGE HORNE,

Debtor.

CASE NO. 94-32664-RKR
CHAPTER 7

STATE OF INDIANA,

Plaintiff,

v.

ADVERSARY PROCEEDING
CAUSE NO. 95-3005

MICHAEL GEORGE HORNE

Defendant.

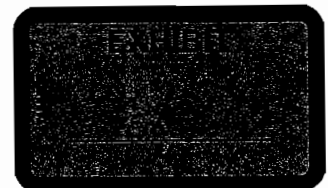
CONSENT JUDGMENT

The Plaintiff, State of Indiana, by Attorney General Pamela Carter and Deputy Attorney General John Hauber, and Defendant, Michael G. Horne, by counsel, hereby enter into this Consent Judgment.

1. The Parties believe it is in their best interest to resolve the issues presented by the Complaint to Determine Dischargeability of Debt to avoid further litigation. Therefore, the parties consent to the entry of a final order in this proceeding by the Bankruptcy Judge and accept this Consent Judgment as final on the issues resolved herein.

I. Jurisdiction and Scope of Decree

2. This Court has jurisdiction over the parties and subject matter of this action pursuant to 28 U.S.C. 157(b)(1) and (2) and 28 U.S.C. 1334.



3. This Consent Judgment is a compromise settlement of a disputed claim. This settlement does not represent an admission or finding of wrongdoing; however, violation of this agreement is a prima facie showing of a violation of the Indiana Deceptive Consumer Sales Act (Indiana Code 24-5-0.5-1, et seq.), and the Indiana Home Improvement Contracts Act (Indiana Code 24-5-11-1, et seq.).

II. Prohibited Acts

Michael G. Horne d/b/a Horne's Home Service, his agents, representatives, employees, successors and assigns, are permanently enjoined from the following:

4. Engaging in conduct in violation of the Indiana Deceptive Consumer Sales Act, Indiana Code 24-5-0.5-1, et seq..

5. Engaging in any act or representation that violates the Indiana Deceptive Consumer Sales Act, Indiana Code 24-5-0.5-1, et seq.

III. Resolution of consumer complaints and costs

6. Plaintiff shall have judgment against Defendant in the amount of twenty-one thousand three hundred fifty-eight dollars (\$21,358.00); which judgment will not bear interest; and which judgment shall be paid at a rate of one hundred dollars (\$100.00) per week for a period of 214 weeks and shall be allocated as follows:

a. A fine, forfeiture, and penalty pursuant to IC 24-5-0.5-4(g) for Defendant's knowing violations of the Indiana Home Improvement Contracts Act with respect to the home improvement contracts submitted to consumers listed in paragraph 6(c) of this Consent Judgment in the amount of one hundred dollars (\$100.00).

b. A fine, forfeiture, and penalty pursuant to IC 24-5-0.5-8 for Defendant's intentional violations of the Indiana Home Improvement Contracts Act with respect to the home improvement contracts submitted to consumers listed in paragraph 6(c) of this Consent Judgment in the amount of one hundred dollars (\$100.00).

c. Defendant shall cancel the following consumer contracts and pay consumer restitution to the Office of the Attorney General for the following consumers and amounts:

<u>NAME</u>	<u>RESTITUTION AMOUNT</u>	<u>DEFAULT AMOUNT</u>
(a) Mr. Michael Kobrehel	\$2,135.00	\$ 6,587.54
(b) Mr. & Mrs. Ty Miller	\$5,850.00	\$11,700.00
(c) Ms. Janice Wilchewsky	\$2,019.00	\$ 4,037.50
(e) Mr. & Mrs. Dale Malott	\$5,716.00	\$18,733.00
(f) Mr. Wayne Kegley	<u>\$5,438.00</u>	<u>\$10,874.50</u>
TOTAL:	\$21,158.00	\$51,932.54

7. Defendant will cooperate fully with the Consumer Protection Division, Office of the Attorney General of Indiana ("Division") in the resolution of any future consumer complaints, including but not limited to responding promptly to all inquiries from the Division.

IV. Default Provision

8. If Defendant, Michael G. Horne, fails to make any weekly payment, and if a demand notice has been sent to his last known address, and if Defendant fails to respond to the notice and cure the deficient amount fifteen (15) days after the date the demand notice is sent, then Defendant shall be declared in Default and Plaintiff shall be entitled to a judgment in the total amount of all consumer claims (\$51,932.54), plus ten percent (10%) interest from entry of

this judgment, plus costs of investigation and prosecution (\$2,375.00).

The parties have executed this Consent Judgment on this 7th day of November, 1995.

STATE OF INDIANA

DEFENDANT

PAMELA CARTER
Attorney General of Indiana

MICHAEL G. HORNE

By: John M. Hauber
John M. Hauber
Deputy Attorney General

Michael G. Horne
Michael G. Horne

United States of America } ss
Northern District of Indiana }

This is to certify that the within and attached document is a full, true and correct copy of the original thereof, as the same appears on file in the office of the Clerk of the United States Bankruptcy Court for the Northern District of Indiana.

Witness this 14th day of April, 20 10

JAMES BONINI, Clerk
U.S. Bankruptcy Court

By: James L. Bonini
Deputy Clerk

Lynn Miller, Esq.
Lynn Miller, Esq.
MILLER & MILLER
112 N. Second Street
Elkhart, IN 46516
Attorney for Defendant

SO ORDERED, ADJUDGED AND DECREED

November 8, 1995

Robert K. Rodibaugh
ROBERT K. RODIBAUGH, Judge
United States Bankruptcy Court

DISTRIBUTION TO:

Joseph D. Bradley
Trustee
105 East Jefferson Blvd.
Suite 512
South Bend, IN 46601

United States Trustee
1 Michiana Square, Room 555
100 East Wayne Street
South Bend, IN 46601

Lynn Miller
Attorney for Debtor
MILLER & MILLER
112 North Second Street
Elkhart, IN 46516

John M. Hauber
Office of the Attorney General
I.G.C.S. - Fifth Floor
402 West Washington Street
Indianapolis, IN 46204-2770



STATE OF INDIANA
OFFICE OF THE ATTORNEY GENERAL

INDIANA GOVERNMENT CENTER SOUTH, FIFTH FLOOR
402 WEST WASHINGTON STREET • INDIANAPOLIS, IN 46204-2770

JEFFREY A. MODISETT
ATTORNEY GENERAL

December 3, 1999

TELEPHONE (317) 232-6201

Michael G. Horne
1920 W. Indiana Ave.
Elkhart, IN 46516

VIA REGULAR AND CERTIFIED MAIL

Re: State of Indiana v. Michael G. Horne

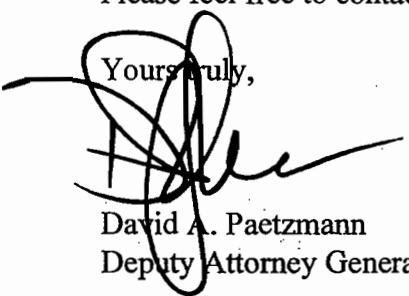
Dear Mr. Horne:

This letter is in reference to the Consent Judgment that was executed by you on or about November 7, 1995, and approved by the United States Bankruptcy Court on November 8, 1995. As you know, the Consent Judgment required you to pay consumer restitution totalling \$21,358.00 in payments of \$100.00 per week.

Our records indicate that no payment has been received from you since October 26, 1998, and you are in default of your payment agreement. The current arrearage is no less than five thousand five hundred dollars (\$5,500.00). Pursuant to paragraph 8 of the Consent Judgment, a copy of which is enclosed for your reference, you have fifteen days from the date of this letter to cure the minimum deficiency. If the deficiency is not cured by December 18, 1999, the default provision of the judgment will become effective and the entire judgment balance will become due and owing.

Please feel free to contact me at (317) 232-3442 if you have any questions.

Yours truly,


David A. Paetzmann
Deputy Attorney General

enclosure

